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UNCLAS SECTION 01 OF 08 BAGHDAD 000385

SIPDIS  
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SUBJECT: 2010 TRAFFICKING IN PERSONS INFORMATION FOR IRAQ

REF: A. STATE 02094  
[1](#)B. BAGHDAD 2886

[1](#)1. (SBU) Summary: This is post's summary of trafficking in persons activities for the period of mid- February 2009 to mid-February 2010. Despite numerous issues facing the Government of Iraq (GOI) during this reporting period, it has taken decisive steps towards addressing the issue of human trafficking. While the GOI struggled to prepare for March 2010 elections and cope with ongoing difficulties with establishing rule of law and improving security, it formed an interagency committee to combat trafficking, began a public awareness campaign at youth centers and schools, and drafted legislation to increase the penalties for those engaged in trafficking and to assist trafficking victims. In January 2010, the GOI's comprehensive anti-trafficking draft legislation experienced some movement and is soon to be passed to the Committee for Human Rights and Committee for Legal Affairs in the Council of Representatives. While formidable political, social, and cultural challenges to substantively addressing trafficking in persons in Iraq remain, GOI entities, led by officials in the Ministry of Human Rights, are actively trying to make progress on raising awareness of TIP, while NGO and civil society actors focus on assisting victims. End summary.

#### IRAQ'S TIP SITUATION

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2A. (SBU) Post stresses that while there have been isolated, generally single-source, media reports describing instances of trafficking for the purpose of sexual exploitation in Iraq, as well as the related issues of prostitution, forced marriage, honor killings, and child and bonded labor, there has been no sustained or in-depth reporting by any source on the issue of trafficking in persons in Iraq. While anecdotal information collected from NGOs, judges, GOI contacts, and media reports indicate that trafficking in persons is a hidden problem, Embassy Baghdad has no way to verify information or estimates of trafficking, or to identify trends. Anti-trafficking draft legislation prepared by the GOI in 2009 called for the formation of an interministerial committee to prepare reports on human trafficking. The legislation also included a provision for the formation of sub-committees in each Iraqi province to

submit information and recommendations on human trafficking to the central committee.

¶B. Iraq is both a country of origin and destination for men, women, and children trafficked for the purposes of commercial sexual exploitation, forced and bonded labor, and other slave-like conditions. There were no official statistics, and few non-governmental organizations monitored or reported on TIP activities. According to our limited sources, residents of Iraq are trafficked both within Iraq as well as abroad to Syria, Lebanon, Jordan, Kuwait, UAE, Turkey, Iran, and possibly Yemen for these purposes. Under the guise of a work contract in Kuwait, Jordan, or another Gulf State, non-Iraqi individuals were reportedly brought to QGulf State, non-Iraqi individuals were reportedly brought to Iraq from Thailand, Philippines, India, Pakistan, Indonesia, and Sri Lanka. Over the past year, 14 Ugandan women were trafficked into Iraq for the purposes of labor exploitation. These women were told that they would work on U.S. military bases, although no USG contractors or sub-contractors were involved in bringing them to Iraq. Based on information provided by their employer, Uganda Veterans Development, the company sent more than 100 persons to Iraq to work as domestic laborers from April 2008 to June 2009. During the reporting period, Embassy Baghdad received information from a GOI contact that Iraqi boys have become a source for organ transplants, and that Baghdad hospitals do not question the "voluntary" donation of such organs from the boys because often the father of the boy is present to consent to the procedure. On a visit to Karada detention facility in 2009, Embassy Baghdad's DCMAT met two girls who became part of a

BAGHDAD 00000385 002 OF 008

terrorist group that planned to use them as female suicide bombers. While it is not possible to determine the extent to which trafficking victims are recruited for the purposes of organ trafficking and terrorism, these isolated experiences suggest that there may be connections between trafficking and these other issues.

¶C. Trafficking victims and NGO sources report that victims have been subjected to sexual exploitation, rape, physical abuse, starvation, and forced and temporary marriage. Trafficking victims who were brought to Iraq for the purpose of labor exploitation reported the seizure of their passports and official documents by their employers, a refusal to honor employment contracts, and threats of deportation. Some women and girl trafficking victims face the risk of abuse, abandonment, or honor killings if their families learn that they have been raped or forced into prostitution.

¶D. Limited data suggests that women and young girls are more at risk of being trafficked for the purposes of commercial sexual exploitation, though both males and females, juvenile and adult populations have been targeted by traffickers. NGO contacts stated that the selling price of a young girl exceeds that of a young boy, which further supports this idea. While it is not possible to quantify the relative susceptibility of particular demographic groups to trafficking, the Iraqi population contains several vulnerable groups, including widows, orphans, internally displaced persons, and the extremely destitute, all of which figure prominently in anecdotal accounts of trafficking in Iraq.

¶E. Traffickers include both large crime groups and small, family-based groups, as well as employment and contracting agencies. While anecdotal data suggests that traffickers appear to be predominantly male, some individuals are sold or trafficked through forced marriages by female family members in order to escape poverty or debt. A Baghdad prosecutor revealed that networks of women have been involved in the trafficking and sale of male and female children for the purposes of commercial sexual exploitation in Kurdistan and other Iraqi provinces. This contact also stated that Iraqi males have taken advantage of the traditional institution of muta'a (temporary marriage) to traffic multiple women into

other Iraqi provinces or neighboring countries for the purposes of commercial sexual exploitation. NGO contacts relate that cross-border trafficking into neighboring countries relies on an organized network of document forgers, fixers, and traffickers, and there have been isolated cases of Iraqi border forces intercepting older men and young girls attempting to travel together out of Iraq using fake documents. These contacts postulate that criminal elements perceive cross-border trafficking as less risky than moving victims between Iraqi provinces, where there is a greater likelihood that they will be seen by relatives or acquaintances.

THE GOI'S ANTI-TIP EFFORTS  
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3A. (SBU) As evinced by their critical first steps toward addressing TIP issues, many GOI stakeholders acknowledge that human trafficking is a problem in Iraq. In July, 2009, after the publication of the 2009 Trafficking in Persons Report for Iraq, the Ministry of Human Rights (MOHR) and the Ministry of Foreign Affairs (MFA) responded to Embassy Baghdad with a diplomatic note in which the GOI highlighted its actions to address the issue and stressed the seriousness with which Iraq views its cooperation and coordination efforts with regional and international players to fight human trafficking in Iraq. Strong advocacy, both by MOHR officials as well as NGOs and key COR members, has established significant, if occasionally stymied momentum on this issue. Post received word from GOI contacts that the GOI's comprehensive anti-trafficking draft legislation had made its way out of the Shura Council, an advisory body that shapes legislation

BAGHDAD 00000385 003 OF 008

for the Council of Representatives, and was soon to be passed to the Committee for Human Rights and the Committee for Legal Affairs in the COR for debate.

1B. The anti-trafficking draft legislation prepared by the GOI in 2009 includes a provision for the formation of The Supreme Committee to Combat Human Trafficking in the General Secretariat of the Council of Ministers. This proposed committee will be headed by the MOHR and includes representatives from the MFA, Ministry of Labor and Social Affairs, and the Ministry of Interior. Upon passage of the bill, this Committee will be responsible for securing appropriate funds to implement the anti-trafficking mechanisms and initiatives included in the legislation. The Ministry of Human Rights currently has the lead in anti-trafficking efforts.

1C. The GOI's lack of capacity to identify and assist victims, the ongoing challenge of adequately policing Iraq's numerous, porous borders with neighboring countries, and formidable obstacles to enforcing security and rule of law throughout the country limit its ability to address human trafficking in Iraq. This reporting period was a particularly critical time for the GOI, as it struggled to pass an election law and prepare for national elections, a challenge that diverted attention and resources from other issues. During the reporting period, explosions targeted the Ministry of Foreign Affairs, the Ministry of the Interior, the Ministry of Justice, and the Ministry of Labor and Social Affairs, all of which play a critical role in shaping the GOI's response to TIP issues. Despite this significant setback, GOI contacts stated that they do not foresee political obstacles to the passage of anti-trafficking draft legislation. These contacts expressed confidence that when the anti-trafficking draft legislation is enacted, most likely in the year following the March, 2010 elections, the GOI's inter-ministerial TIP committee will ensure adequate funding to execute the programs and support mechanisms described in the draft legislation.

1D. In late 2009, the Supreme Committee to Combat Human

Trafficking, an interministerial group set up by the GOI to address the issue, sent surveys to each of Iraq's provincial governments in order to quantify the scale and extent of trafficking across the country. Nearly all the provincial authorities responded to these surveys by stating that there were no instances of trafficking in their respective provinces. A GOI contact on the interministerial committee to combat trafficking told Poloff that the Committee's survey revealed problems of ignorance and denial regarding TIP, and the need to focus more efforts on conducting public awareness on trafficking to explain the issue to the Iraqi public. To this end, the Committee is channeling its efforts toward increasing its programming and training efforts.

1E. The MOI's Directorate of Travel and Nationality issues the Haweea Shaessea Iraquea (Iraqi ID Card), which provides the date of birth and the names of both parents, in addition to marital status. This card is reissued at key points in a person's lifetime, and has various security features to discourage fraud. The Directorate also issues the Shehadat Jinseea (Iraqi Nationality Certificate), which is issued once during a person's lifetime, generally during adolescence. These two official forms of documentation are the primary measures the GOI has taken to establish the identity of local populations. In Northern Iraq, these two forms of documentation are issued by the Kurdish Regional Government (KRG) Directorate of Nationality and Civil Identification.

1F. The GOI does not currently have a method or requirement for gathering data required for an in-depth assessment of law enforcement efforts. The rudimentary nature of rule of law and law enforcement infrastructure in Iraq poses a significant challenge to undertaking this type of effort.

BAGHDAD 00000385 004 OF 008

#### INVESTIGATION AND PROSECUTION OF TRAFFICKERS

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4A. Various provisions of current Iraqi law apply to trafficking. The 2005 Iraqi Constitution prohibits forced labor, slavery, slave trade, trafficking in women and children, and sex trade. Several provisions of the Penal Code, dating from 1969, criminalize unlawful seizure, kidnapping, and detention by force or deception.

-- Article 37(3) of the Iraqi Constitution prohibits "forced labor, slavery, slave trade, trafficking in women or children, and sex trade". It is not specific in its application to various forms of trafficking.

-- Trafficking is not directly addressed in the 1969 Iraqi Penal Code, but there are at least two articles that could be applied in certain circumstances. Article 399 of the Penal Code punishes "any person who incited a boy or girl under the age of 18 to indulge in fornication or resort to prostitution as a profession or assists him or her to do so."

-- Article 421, 422, and 423 of the Penal Code prohibit unlawful seizure, kidnapping, and detention. Article 425 punishes "any person who provides a location for unlawful detention or imprisonment while being aware of the fact."

-- Article 320 of the Penal Code punishes "any public official or agent (...) who employs slave labor", but the intent of the law was to punish misuse of public funds by government officials.

Since the last TIP report, the GOI has completed drafting comprehensive, anti-trafficking legislation that imposes specific penalties on those who commit acts of human trafficking, announces the formation and duties of an inter-ministerial committee to address human trafficking, and describes mechanisms for providing support for victims of human trafficking. While the legislation is still in draft

form, its proposed penalties for human trafficking are worth noting. Depending on the nature of the act, prison penalties will range from temporary to life imprisonment and fines will range between ID 5,000,000 and ID 250,000,000 (USD 4,335-USD 216,715). In instances where the act of trafficking leads to the death of the victim, the proposed punishment for the trafficker is the death penalty.

¶B. Article 399 of the Penal Code specifies a prison sentence not to exceed ten years for "Incitement to Prostitution and Fornication" when the victim is under the age of 18. Article 393 lists aggravating factors, such as the victim's age, the number of perpetrators, the victim's virginity, the relationship between the offender and the victim, and whether the victim died, became pregnant, or contracted an STD as a result of the act. If such factors exist, it appears that the court has the authority to increase the sentence. The prescribed penalty for kidnapping and detention by force or deception is up to seven years in prison and up to 15 years if the victim is a minor and force is used. Although not specific to trafficking for sexual exploitation, Articles 421, 422, and 423, which cover unlawful seizure, kidnapping, Q421, 422, and 423, which cover unlawful seizure, kidnapping, and detention, could have implications for traffickers. Sentences called for in these articles vary depending on the age and gender of the victim, but generally range between 10-15 years maximum. Aggravating circumstances, such as deception, can increase the sentence, and any case involving sexual intercourse with the victim can result in life imprisonment or death. Article 425 calls for a period of imprisonment not to exceed seven years for anyone who provides a location for unlawful detention. The prescribed penalty for sexual assault or forced prostitution of a child is 10 years' imprisonment.

¶C. There are no laws that specifically cover labor recruiters or labor agents. The Kurdistan Regional Government (KRG), in

BAGHDAD 00000385 005 OF 008

response to allegations of labor trafficking of Filipinos, ordered a few companies to cease activities because of these allegations. The KRG also forced all Kurdish companies to have direct contracts with the countries from which foreign laborers originate in order to allow them to contest their salary within their home court system.

¶D. Rape was prohibited by Article 393 of the Penal Code; its penalty is life imprisonment or a period determined by the Iraqi court. This penalty is stricter than that for sexual exploitation violations.

¶E. There is no data on the number of investigations, prosecutions, convictions, plea bargains, fines, or sentences imposed against human trafficking offenders. As the GOI's anti-trafficking draft legislation has not yet been enacted, human trafficking offenders who were prosecuted by the GOI were investigated under a variety of different laws relating to crimes such as kidnapping, rape, or prostitution. No reliable estimates of these figures exist, since the GOI does not disaggregate trafficking-related violators from other offenders.

¶F. The GOI does not provide any specialized training for law enforcement and immigration officials on identifying and treating victims of trafficking or on investigating and prosecuting trafficking cases.

¶G. During the reporting period, the GOI attempted to work with the Government of Uganda (GOU) for the purposes of obtaining travel documents for 14 Ugandan women who were trafficked to Iraq in order to facilitate their repatriation. This process proved cumbersome given that the GOU does not currently maintain an embassy in Iraq. To facilitate the process, Embassy Baghdad and Embassy Kampala served as a go-between for the two governments, and temporary travel documents acceptable to both governments were obtained with



the assistance of the International Organization for Migration (IOM) through the International Committee of the Red Cross (ICRC).

¶H. The comprehensive anti-trafficking bill not yet ratified into law by the Council of Representatives, contains a clause that empowers the GOI to extradite persons back to Iraq for criminal proceedings. For Arab countries, there is an established agreement called the "Arab Agreement for Judicial Cooperation" that includes extradition provisions for all types of crimes, including human trafficking. According to a contact in the Shura Council, the GOI is unable to provide any specific information on the number of extraditions the GOI has participated in, and the contact stated that he is not aware of any cases involving trafficking offenders to the United States.

¶I. There is no evidence to indicate that GOI officials were involved in trafficking during the reporting period, though Iraq's trafficking situation remains a controversial topic in political circles. GOI contacts theorize that some politicians avoid discussing TIP because it is an issue on which the GOI has a weak record, and thus could be used against politicians in the run-up to elections. These Qagaint politicians in the run-up to elections. These contacts further elaborated that some politicians whose parties have a religious affiliation avoid discussing divisive topics such as trafficking because they find its associations to the sex trade morally objectionable.

¶J. This question does not apply to the TIP report for Iraq.

¶K. This question does not apply to the TIP report for Iraq.

¶L. This question does not apply to the TIP report for Iraq.

#### PROTECTION AND ASSISTANCE TO VICTIMS

BAGHDAD 00000385 006 OF 008

5A. The GOI is unable under existing law to provide protection for victims and witnesses of trafficking. Nevertheless, the anti-trafficking draft legislation awaiting consideration by the Committee for Legal Affairs does include a provision that obligates the GOI to help the victims of human trafficking and respond to the needs of children, by the following means: referring the victims to a specialist doctor to examine their health status; providing language assistance to non-Iraqi victims; providing legal assistance and advice and instructional information, ensuring the victims contact their families or their countries of nationality or NGOs to obtain required assistance; providing necessary protection for both victims and witnesses; maintaining the confidentiality of the information related to the victims and respecting their privacy; providing financial assistance and temporary residence for the victims; rehabilitating victims socially, psychologically, and physically by establishing specialized rehabilitation centers or care houses; providing training and education, facilitating victims' stay in Iraq by giving them visas to reside temporarily in Iraq and, if necessary, travel documents; and providing diplomatic support for non-Iraqi victims to facilitate their return to their original countries.

¶B. Iraq has NGO-run victim-care facilities and shelters accessible to trafficking victims, though many of these safe houses are in hidden or secret locations for the safety and security of victims. Child trafficking victims also sometimes utilize the services of these facilities, and sometimes are placed in shelters, orphanages, foster care, or juvenile detention facilities. NGOs such as the Asuda Foundation have shelters that are specifically designated for victims of trafficking. These facilities are operated primarily by NGOs and international organizations. Post is

not aware of any publicly funded shelters.

¶C. The GOI does not provide trafficking victims with access to legal, medical, and psychological services. The anti-trafficking draft law currently under consideration by the Iraqi legislature contains provisions for these services.

¶D. Currently the GOI does not assist foreign trafficking victims by providing temporary or permanent residency status, or other relief from deportation. The GOI's draft legislation on TIP does include provisions to assist foreign trafficking victims by providing them visas to reside temporarily in Iraq or travel documents and diplomatic support to facilitate their return to their original countries.

¶E. The GOI does not provide longer-term shelter or housing benefits to victims or other resources to aid the victims in rebuilding their lives.

¶F. The GOI has a referral system in place to transfer victims detained, arrested, or placed in protective custody by law enforcement authorities to institutions that provide short or long-term care.

¶G. There are no official estimates of the total number of trafficking victims in Iraq.

¶H. The GOI does not have a single, formalized process for law enforcement, immigration, and social services personnel to proactively identify victims of trafficking among high-risk persons with whom they come in contact. There may be informal processes within the GOI's numerous departments and ministries about which Post is unaware.

¶I. In cases where a trafficking victim willingly participates in trafficking in order to illegally enter a country or commit some other offense, there are criminal charges and penalties under the current GOI penal system, depending on the particular offense. These persons' rights are respected

BAGHDAD 00000385 007 OF 008

and they are afforded all the appropriate human rights protections.

¶J. The GOI does not encourage victims to assist in the investigation and prosecution of trafficking.

¶K. The GOI does not provide any specialized training for government officials in identifying trafficking victims and in the provision of assistance to trafficked victims.

¶L. The GOI does not provide assistance, shelter, medical aid, or financial help to its nationals who are repatriated as victims of trafficking.

¶M. Several NGOs and international organizations, as well as some smaller locally-based grassroots groups, work with trafficking victims. Many of these organizations run shelters and provide various types of assistance to trafficking victims. The MOHR and the Supreme Committee to Combat Human Trafficking both consult with certain NGOs on trafficking issues.

#### PREVENTION

6A. The MOHR engaged in a public awareness campaign on trafficking during the reporting period. It held workshops at facilities managed by the Ministry of Youth and Sports, targeting children. More workshops are planned in the coming months in various provinces throughout Iraq and an agreement was reached with the Minister of Education to do similar activities with Iraqi schools and universities.

¶B. The GOI does not consistently monitor immigration and emigration patterns for evidence of trafficking, but there are reports of isolated instances in which Iraqi border security forces prevented older men and young girls traveling together from leaving Iraq using fake documents.

¶C. The MOHR is trying to prepare a database on trafficking that would provide the GOI with a better sense of where to target its anti-trafficking efforts, but contacts stated that the difficulties of obtaining good information on the problem are a significant challenge.

¶D. The anti-trafficking draft legislation presented by the GOI during this reporting period includes a national plan for assisting trafficking victims, prosecuting those convicted of trafficking, and preventing trafficking through the dissemination of training and public awareness programming.

¶E. Beyond its attempts to enforce penalties against prostitution and solicitation, the GOI has not taken specific measures during the reporting period to reduce the demand for commercial sex acts.

¶F. This question does not apply to the Trafficking in Persons Report for Iraq.

¶G. This question does not apply to the Trafficking in Persons Report for Iraq.

#### PARTNERSHIPS -----

7A. The Supreme Committee to Combat Human Trafficking consults with a small group of NGOs and civil society groups to further its initial inquiries into Iraq's TIP situation. There are several international and NGO groups, some of which receive USG funding, that interact with the GOI on TIP issues. Organizations such as The Protection Project and Heartland Alliance have received USG funding to work with the GOI in crafting and advocating for the passage of the comprehensive anti-trafficking legislation that is soon to be passed to the Council of Representatives.

BAGHDAD 00000385 008 OF 008

¶B. The GOI does not provide dedicated international assistance to other countries specifically to address TIP.

¶8. (SBU) COMMENT: The GOI continues to face significant challenges in its efforts to establish rule of law and security throughout Iraq. Throughout much of the reporting period, the GOI struggled to confront the challenge of continuing terrorism throughout the country, pass an election law, prepare for elections, and rebuild over half a dozen ministries that suffered serious damage in terrorist attacks during the latter half of 2009. Despite these setbacks, the GOI still managed to achieve movement on comprehensive anti-trafficking draft legislation, set up an interministerial committee on TIP that meets monthly, and conduct various training and public awareness campaigns at youth centers and schools to educate the Iraqi public about trafficking. While these developments might not seem notable in a different setting, the modest achievements of the GOI on TIP issues are very significant in light of the trying circumstances under which it operated, and the overwhelming volume of pressing issues on its agenda during the reporting period. END COMMENT  
FORD